1999 DRAFTING REQUEST

Bill

Received: 03/03/2000				Received By: shoveme				
Wanted: As time permits For: Michael Powers (608) 266-1192 This file may be shown to any legislator: NO				Identical to LRB:				
					By/Representing: Vincent Williams			
					Drafter: shoveme			
May Contact:					Alt. Drafters: nilsepe kuesejt			
Subject:	ect: Counties Munis - miscellaneous Transportation - miscellaneous State Government - miscellaneous			Extra Copies:				
Pre Topi	c:							
No specif	ic pre topic gi	ven						
Topic:								
Changes t	o "Smart Gro	wth"; comprehe	ensive land	use planning				
Instruction	ons:							
See Attach	hed. Base the	bill on LRB -4	234/2, w/ a	ttached chang	ges.			
Drafting	History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	shoveme 03/07/2000 kuesejt 03/07/2000	gilfokm 03/07/2000					S&L	
/1		.00	martykr 03/08/20	00	lrb_docadmin 03/08/2000	lrb_docadn 03/08/2000		

1999 DRAFTING REQUEST

Bill

FE Sent For:

Received: 03/03/2000				Received By: snoveme				
Wanted: As time permits					Identical to LRB:			
For: Michael Powers (608) 266-1192				•	By/Representing: Vincent Williams			
This file may be shown to any legislator: NO			or: NO		Drafter: shoveme			
May Contact:					Alt. Drafters:	nilsepe kuesejt		
Subject:	Transp	es miscellaneous ortation - misc overnment - m	ellaneous	18	Extra Copies:			
Pre Topi	c:	-						
No specif	ic pre topic gi	ven						
Topic:		***						
Changes t	o "Smart Gro	wth"; compreh	ensive land	use planning				
Instructi	ons:		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
See Attac	hed. Base the	bill on LRB -4	1234/2, w/ a	ttached chang	ges.			
Drafting	History:					4.400		
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	<u>Required</u>	
/?	shoveme 03/07/2000 kuesejt 03/07/2000	gilfokm 03/07/2000					S&L	
/1			martykr 03/08/20	00	lrb_docadmin 03/08/2000			

1999 DRAFTING REQUEST

Bill

Received: 03/03/2000

Wanted: As time permits

For: Michael Powers (608) 266-1192

This file may be shown to any legislator: NO

May Contact:

Subject:

Counties

Munis - miscellaneous

Transportation - miscellaneous State Government - miscellaneous Received By: shoveme

Identical to LRB:

By/Representing: Vincent Williams

Drafter: shoveme

Alt. Drafters:

Extra Copies:

nilsepe

kuesejt

Pre Topic:

No specific pre topic given

Topic:

Changes to "Smart Growth"; comprehensive land use planning

Instructions:

See Attached. Base the bill on LRB -4234/2, w/ attached changes.

Drafting History:

Vers.

Drafted

Proofed

Submitted

<u>Jacketed</u>

Required

shoveme

please e-mail also to vincent williams to reprovers' office

<END>

FE Sent For:

Shovers, Marc

From:

Williams, Vincent

Sent:

Thursday, March 02, 2000 4:21 PM

To:

Shovers, Marc

Subject:

RE: Changes to LRB 4234/2

We would like a companion drafted to Senator Burke's -4234/2 with the changes contained in the memo for Rep. Powers. You can check with Barry, but I believe that the changes in the memo should also be drafted as 4234/3 for the Senator.

Sorry about the previous e-mail, I sent it and then had to head up to Finance because the Representative had a bill that was up, I was going to call when I returned. Thank you for e-mailing me to check on it.

----Original Message-----

From: Shovers, Marc

Sent: Thursday, March 02, 2000 4:14 PM

To: Williams, Vincent

Subject: FW: Changes to LRB 4234/2

I spoke to Barry in Senator Burke's office and he said that I have permission to talk about -4234/2 with your office. Do you want a companion bill to 1999 LRB -4234/2, with the changes contained in this memo, drafted for Rep. Powers or do you want an amendment drafted to Senator Burke's unintroduced draft?

Marc E. Shovers

Senior Legislative Attorney Legislative Reference Bureau Phone: (608) 266-0129 Fax: (608) 264-8522

e-mail: marc.shovers@legis.state.wi.us

----Original Message-----

From:

Grant, Peter

Sent:

Thursday, March 02, 2000 3:19 PM

To:

Shovers, Marc

Subject:

FW: Changes to LRB 4234/2

----Original Message----

From:

Williams, Vincent

Sent:

Thursday, March 02, 2000 3:16 PM

To:

Grant, Peter

Subject:

Changes to LRB 4234/2

Additions to Technical Clean-up Bill

Revise Wis. Stat. sec. 1.13(3) by deleting the current language and replacing it with:

"Consistently with other laws, each state agency, whenever it administers a law under which a local governmental unit prepares a plan, is encouraged to design its planning requirements in a manner that makes it practical for local governmental units to incorporate these plans into local comprehensive plans prepared under Wis. Stat. sec. 66.0295."

Revise Wis. Stat. sec. 16.695(4) to state: "In determining whether to approve a proposed grant,

greater precedence preference shall be accorded to applications of local governmental units that contain all of the following:".

Revise Wis. Stat. sec. 66.0295(4)(b) to include: "(2) Every the clerk of all adjacent local governmental units that is adjacent to the local governmental unit which is the subject of the plan that is adopted or managed as described in Par. (b)(intro). Also include "(5) the regional planning commission where the local governmental unit is located; and (6) the public library that serves the area in which the local governmental unit is located."

Revise the last sentence of Wis. Stat. sec. 66.0295 (4)(c) to state: "An ordinance and accompanying plan that is enacted under this paragraph shall be filed with at least all of the following entities specified under par. (b)." Also, under Wis. Stat. sec. 66.0295(4)(c), delete sub 1, and sub. 2.

Changes to Technical Clean-up Bill

Revise the last sentence of Section 2 of the Technical Clean-up Bill (Wis. Stat. sec. 59.69(3)) to state: "Beginning on January 1, 2010, if the county engages in any program or action described in s. 66.0295(3), the development plan shall correspond with contain at least all of the elements specified in s. 66.0295(2)."

Changes (cont.)

Revise the second sentence of Section 4 of the Technical Clean-up Bill (Wis. Stat. sec. 62.23 (3)(b)) to state: "Beginning on January 1, 2010, if the county engages in any program or action described in s. 66.0295(3), the development plan shall correspond with contain at least all of the elements specified in s. 66.0295(2)."

Revise the first sentence of Section 7 of the Technical Clean-up Bill (Wis. Stat. sec. 66.0295 (4)(c)(intro.)) to state. "No recommended comprehensive plan that is recommended for adoptedion or amendedment under par. (b) may take effect until the local governmental unit enacts an ordinance that adopted the plan or amendment."

Revise the first sentence of Section 9 of the Technical Clean-up Bill (Wis. Stat. sec. 66.034(3) (b) to state: "A Each city, village, or and town whose with a population reaches of at least 12,500, after January 1, 2002, shall enact an ordinance under s. 62.23(7) that is similar to the model traditional neighborhood development ordinance that is developed under sub. (2)(a) if the ordinance is approved under sub. (2)(b) not later than the first day of the 12th month

The town put

beginning after the city's, village's or town's population reaches at least 12, 500, although the ordinance is not required to be mapped."

-4674//

MES&PEN:kmg:km

1999 - 2000 LEGISLATURE

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1999 BILL

FMIP

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AN ACT to amend 20.505 (1) (z), 59.69 (3) (a), 62.23 (2), 62.23 (3) (b), 66.0295 (2)

- (h), 66.0295 (4) (b) (intro.), 66.0295 (4) (c) (intro.), 66.034 (3) (a) and 66.034 (3)
- (b) of the statutes; relating to: requirements for enacting comprehensive plans, requirements for comprehensive subdivision ordinances, the timing of transportation planning grants and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a county board may engage in zoning and land use planning by creating a county planning agency or by designating a previously constituted county committee or commission as the county planning agency. If a county board creates or designates such an agency, the agency is required to direct the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan.

Also under current law, a city or village, or certain towns that exercise village powers, may create a city, village or town plan commission to engage in zoning and land use planning. If a city, village or town creates such a commission, the commission is required to adopt a master plan for the physical development of the city, village or town including in some instances, in the case of a city or village, unincorporated areas outside of the city or village which are related to the city's or village's development.

A regional planning commission (RPC) may, under current law, conduct all types of research studies, collect and analyze data and prepare maps, charts and

tables to be used in accomplishing its duties. RPC duties include making plans for the physical, social and economic development of the region. An RPC is also required to prepare a master plan for the physical development of the region. The master plan must contain the RPC's recommendations for such physical development, although all of an RPC's functions are solely advisory to the political subdivisions that comprise the region.

Under current law, if a local governmental unit (city, village, town, county or RPC) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements consist of the following:

1. An issues and opportunities element that contains background information on the local governmental unit and a statement of objectives, policies, goals and programs to guide the growth of the local governmental unit over the next 20 years.

2. A housing element that contains information on the local governmental unit's housing stock and plans for housing for residents with all income levels and various needs.

3. A transportation element that addresses transportation issues and evaluates the relationship between the local governmental unit's transportation plans and state and regional transportation plans.

4. A utilities and community facilities element to guide the development of public and private utilities, governmental services and community facilities.

5. A natural and cultural resources element to guide the development of conservation policies for, and the effective management of, natural, historic and cultural resources.

6. An economic development element that promotes the stabilization, retention or expansion of the economic base of, and quality employment opportunities in, the local governmental unit.

7. An intergovernmental cooperation element that provides for joint planning and decision making with other jurisdictions.

8. A land use element to guide the future development and redevelopment of public and private property in the local governmental unit.

9. An implementation element that contains programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, building codes or subdivision ordinances, to implement the other elements.

Local governmental units that adopt or amend a comprehensive plan that contains these elements are eligible for state land use planning grants that must be used to finance the development of the comprehensive plan.

Beginning on January 1, 2010, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies include zoning ordinances, municipal incorporation procedures, annexation procedures, agricultural preservation plans and impact fee ordinances.

This bill specifies that beginning on January 2, 2010, if a local governmental unit engages in any program or action that affects land use, the comprehensive plan must contain at least all of the required planning elements.

Current law requires the University of Wisconsin-Extension to develop, not later than January 1, 2001, a model ordinance for traditional neighborhood development and an ordinance for conservation subdivision. "Traditional neighborhood development" means a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other. "Conservation subdivision" means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible. If the model ordinances are approved, or considered approved, by a legislative committee in the assembly and in the senate, every city and village, and every town with a population of at least 12,500 is required to enact a traditional neighborhood development ordinance and a conservation subdivision ordinance that is similar to the model ordinances.

Under this bill, only a city village decement with a population of at least 12,500 is required to enact a traditional neighborhood ordinance. There is no requirement that a city, village or town enact a conservation subdivision ordinance.

Finally, the bill changes an annual appropriation to the department of administration (an appropriation from which the department provides grants to local governmental units to be used to finance the cost of planning activities related to the transportation element of a comprehensive plan) to a biennial appropriation. The bill also provides that the amount lapsed, if any, from the annual appropriation at the end of fiscal year 1999–2000 is appropriated to that biennial appropriation for transportation planning grants. An annual appropriation is expendable only up to the amount shown in the schedule and only for the fiscal year for which made. At the end of the fiscal year, the unencumbered balance in an annual appropriation lapses to the fund from which appropriated. In contrast, dollar amounts shown in the schedule for a biennial appropriation represent the most reliable estimates of the amounts which will be expended in each fiscal year, the total for both years being the biennial appropriation. Only at the end of the biennium do unencumbered balances of biennial appropriations lapse to the fund from which appropriated.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.505 (1) (z) of the statutes, as created by 1999 Wisconsin Act 9,

is amended to read:

Pms 2-1

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20.505 (1) (z) Transportation planning grants to local governmental units. From Biennially, from the transportation fund, the amounts in the schedule to provide transportation planning grants to local governmental units under s. 16.9651. All moneys received from the federal government and transferred from the appropriation account under s. 20.395 (3) (ix) shall be credited to this appropriation account.

SECTION 2. 59.69 (3) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

59.69 (3) (a) The county zoning agency may direct the preparation of a county development plan or parts thereof for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan. The Beginning on January 1, 2010, if the county engages in any program or action described in s. 66.0295 (3), the development plan shall contain the plan at least all of the elements described specified in s. 66.0295 (2).

SECTION 3. 62.23 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries which in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional

planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.0295 (2). The commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

SECTION 4. 62.23 (3) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond with one or more of the elements specified in s. 66.0295 of a master plan. Beginning on January 1, 2010, if the city engages in any program or action described in s. 66.0295 (3), the master plan shall carrespond with at least all of the elements specified in s. 66.0295 (2). The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.0295 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified

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to the common council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the city plan commission and the council in the performance of their duties.

SECTION 5. 66.0295 (2) (h) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

66.0295 (2) (h) Land-use element. A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land. opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years with detailed maps, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.

SECTION 6. 66.0295 (4) (b) (intro.) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

	1	66.0295 (4) (b) (intro.) The planning plan commission or other body of a local
	2	governmental unit that is authorized to prepare or amend a comprehensive plan may
	3	recommend the adoption or amendment of a comprehensive plan only by adopting
	4	a resolution by \underline{a} majority vote \underline{of} the entire commission. The vote shall be recorded
	5	in the official minutes of the planning <u>plan</u> commission or other body. The resolution
	6	shall refer to maps and other descriptive materials that relate to one or more
\sim	7	elements of a comprehensive plan. One copy of an adopted comprehensive plan, or
(25)	8	of an amendment to such a plan, shall be sent to all of the following:
(7)	20ent	SECTION 7. 66.0295 (4) (c) (intro.) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:
Frank		till a little and
O	11	66.0295 (4) (c) (the No recommended comprehensive plan that is adopted for adoption or amendment
	12	or amended under par. (b) may take effect until the local governmental unit enacts
	13	an ordinance that adopts the plan or amendment is enacted as an ordinance by the
	14	local governmental unit. The local governmental unit may not enact an ordinance
٠	15	under this paragraph unless the comprehensive plan contains all of the elements
ž.	16	specified in sub. (2). An ordinance may be enacted under this paragraph only by a
	17	majority vote of the members-elect, as defined in s. 59.001 (2m), of the governing
	18	body. An ordinance that is enacted under this paragraph shall be filed with at least
	19	all of the following: entities specified under par. (b), 66.03-95 (4) (c) land 2. as created by 1999 Wisconsin Act 9, Section 8. 66.034 (3) (a) of the statutes, as created by 1999 Wisconsin Act 9,
Sec.#;	20	SECTION 8. 66.034 (3) (a) of the statutes, as created by 1999 Wisconsin Act 9,
	21	is amended to read:
	22	66.034 (3) (a) Not later than January 1, 2002, every city and village, and every
	23	town with a population of at least 12,500 shall enact an ordinance under s. 62.23 (7)
\	24	that is similar to the model traditional neighborhood development ordinance that is
15	EC, #.	AM; 66.034 (3) (title), as created by 1999 a) esconsin Act 9, (3) (title) city; and village and four requirements.
16	(e. U34	(3) (title) City, and Village that town requirements.

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developed under sub. (2) (a) if the ordinance is approved und	der sub. (2) (b), although
the ordinance is not required to be mapped.	

SECTION 9. 66.034 (3) (b) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

population reaches at least 12,500, after January 1, 2002, shall enact an ordinance under s. 62.23 (7) that is similar to the model traditional neighborhood development ordinance that is developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b) not later than the first day of the 12th month beginning after the city or village comes into existence or after the city of village town's population reaches at least 12,500, although the ordinance is not required to be mapped.

SECTION 10. Appropriation changes.

(1) Transportation planning grants to local governmental units. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (1) (z) of the statutes, as affected by the acts of 1999, the dollar amount for fiscal year 2000–01 is increased by an amount equal to the amount, if any, of the moneys under that appropriation that were allocated for the purpose of transportation planning grants to local governmental units under section 16.965 of the statutes and that lapsed to the general fund on July 1, 2000, for the purpose of transportation planning grants to local governmental units under section 16.965 of the statutes.

1999–2000 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU



INSERT 3A:

Currently, each state agency must ensure that, consistently with other laws, whenever it administers a law under which a local governmental unit prepares a plan, the actions of the local governmental unit are designed to further certain local comprehensive planning goals. This bill provides instead that, consistently with other laws, each state agency, whenever it administers a law under which a local governmental unit prepares a plan, is encouraged to design its planning requirements in a manner that makes it practical for local governmental units to incorporate these plans into local government comprehensive plans.

INSERT 3–1: ✓

SECTION 1. 1.13 (3) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

1.13 (3) Each state agency shall ensure that, consistently Consistently with other laws, each state agency, whenever it administers a law under which a local governmental unit prepares a plan, the actions of the is encouraged to design its planning requirements in a manner that makes it practical for local governmental unit under the plan are designed to further the goals specified uin sub. (2), to the extent practical units to incorporate these plans into local comprehensive plans prepared under s. 66.0295.

SECTION 2. 16.965 (4) (intro.) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

16.965 (4) (intro.) In determining whether to approve a proposed grant, greater precedence preference shall be accorded to applications of local governmental units that contain all of the following elements:

History: 1999 a. 9.

1999-2000 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

INS 7-8

SECTION 1. 66.0295 (4) (b) 2. of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

66.0295 (4) (b) 2. Every The clerk of every local governmental unit that is adjacent to the local governmental unit which is the subject of the plan that is adopted or amended as described in par. (b) (intro.).

bvHistory: 1999 a. 9.

SECTION 2. 66.0295 (4) (b) 5. of the statutes is created to read:

66.0295 (4) (b) 5. The regional planning commission in which the local governmental unit is located.

SECTION 3. 66.0295 (4) (b) 6. of the statutes is created to read:

66.0295 (4) (b) 6. The public library that serves the area in which the local governmental unit is located.

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

To: Representative Powers Date: 03/08/2000 Relating to LRB drafting number: LRB-4674 <u>Topic</u> Changes to "Smart Growth"; comprehensive land use planning Subject(s) State Government - miss-llaneous Counties, Munis - miscellaneous, Transportation - miscell 1. JACKET the draft for introduction in the Senate ____ or the Assembly ___ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies. 2. **REDRAFT.** See the changes indicated or attached A revised draft will be submitted for your approval with changes incorporated. 3. Obtain FISCAL ESTIMATE NOW, prior to introduction _ If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal. If you have any questions regarding the above procedures, please call 266-3561. If you have any questions

relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney Telephone: (608) 266-0129

Barman, Mike

From:

Williams, Vincent

Sent:

Thursday, March 09, 2000 10:42 AM

To: Subject: Barman, Mike Fiscal Estimates

Mike,

I have been working with Debbie Uecker, DOA, to ensure that we have the proper Fiscal Estimates before the Conservation and Land Use Committee Hearing on Thursday, March 16, 2000. My boss has an LRB draft that we plan to introduce today and hear next Thursday. I would like Debbie to send the draft off, so the fiscal estimate can be started.

If you could please send her a copy of LRB 4674/1, it would be greatly appreciated.



99-46741.pdf

deborah.uecker@doa.state.wi.us

Thank you,

Vince Williams Research Assistant Rep. Mike Powers' office